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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,505	12/31/2003	Denise J. Nelson	17,858.2	1813
23556	7590	04/14/2006	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/750,505	Applicant(s) NELSON ET AL.	
	Examiner Sameh H. Tawfik	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-19,21,22,35-39,41-46 and 48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8,10-19,21,22,35-39,41-46 and 48 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10172005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

With respect to the amendments filed on 03/01/2006, all pending claims have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8, 10-19, 21, 22, 35-39, 41-46, and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, in amended claims 1, 12, 35, and 42 recite “..and thereby forming a folded article and wherein the folded article has a ratio between a folded configuration and the unfolded configuration of no more than 0.14.” while on the filed specification, page 3, lines 6 and 7 referring to “the article has a ratio between a folded configuration and the unfolded configuration of no more than 0.15.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-19, 21, 22, 35-39, 41-46, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao (JP 10-095,481).

Kao discloses a method of folding a disposable absorbent article (Fig. 2), the article having an initial upper surface, an initial lower surface, a longitudinal centerline, a transverse centerline, opposing first longitudinal side edges opposing first transverse end edges and an unfolded configuration (Figs. 1 and 7), the method of folding comprising forming one fold extending in a transverse direction (Figs. 6 and 7) by bringing a portion of the initial upper surface into a facing relationship with another portion of the initial upper surface, the one fold being spaced between opposing first transverse end edges (Figs. 6 and 7), the resulting partially-folded article having an intermediate first surface, an intermediate second surface and opposing second transverse end edges, and thereafter forming a number, greater than one, of transversely extending folds in an accordion-like manner (Fig. 6), the transversely extending accordion-like folds being spaced between opposing second transverse end edges (Fig. 6).

Kao does not disclose that the folded article has a ration between a folded configuration and the unfolded configuration of no more than 0.14. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kao's method of folding a disposable absorbent article to form the folded article having a ration between a folded configuration and the unfolded configuration of no more than 0.14, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claims 2 and 13: wherein the number of accordion-like transverse extending folds is an even number (Fig. 6).

Regarding claims 3, 14, and 26: wherein the number of accordion-like transverse extending folds is 2 (Fig. 6).

Regarding claims 4, 15, and 27: wherein the one fold extending in a transverse direction is located substantially adjacent the transverse centerline (Fig. 6).

Regarding claims 5, 16, and 28: wherein the accordion-like transverse extending folds are spaced substantially equally between opposing second transverse end edges (Fig. 6).

Regarding claims 6 and 17: Kao does not disclose that the folded article has a ration between the folded configuration and the unfolded configuration of no more than 0.08. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kao's method of folding a disposable absorbent article to form the folded article has a ration between the folded configuration and the unfolded configuration of no more than 0.08, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claims 7, 11, 18, and 22: the folded article is an infant diaper (Figs. 5-7).

Regarding claims 8 and 17: wherein the accordion-like transversely extending folds are spaced substantially equally between opposing second transverse end edges (Fig. 6).

Regarding claims 10 and 21: Kao does not disclose that the folded article has a ratio between the folded configuration and the unfolded configuration of no less than 0.04. However, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to have modified Kao's method of folding a disposable absorbent article to form the folded article has a ration between the folded configuration and the unfolded configuration of no less than 0.04, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claim 12: Kao discloses the step of forming at least one longitudinally extending fold in each side margin by folding each first longitudinal side edge inward toward the initial upper surface and thus bringing a portion of the initial upper surface into facing relationship with another portion of the initial upper surface (Fig. 5; via longitudinal folds).

Regarding claims 36 and 43: the number of transversely extending accordion-like folds is an odd number (Fig. 6).

Regarding claims 31, 37, 38, 44, and 45: Kao does not disclose that the accordion-like folds are 5. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kao's accordion-like folds to be more than 4 folds, in order to reduce the packaging space, since it has been held that mere duplication of the essential parts involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Alternatively, it would have been an obvious matter of engineering design choice to have modified Kao's accordion-like folds to be 5 folds, in order to reduce the packaging space, since applicant has not disclosed that 5 folds solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Kao's folds as shown in Fig. 6.

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Regarding claims 32, 39, and 46: Kao discloses that wherein the transversely extending accordion-like folds are spaced substantially equally between opposing first transverse end edges (Fig. 6).

Response to Arguments

Applicant's arguments with respect to claims 1-8, 10-19, 21, 22, 35-39, 41-46, and 48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

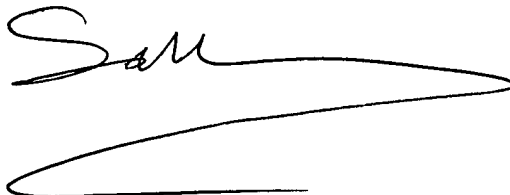
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
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A handwritten signature in dark ink, appearing to read 'Sameh', followed by a long, sweeping horizontal line that extends to the right and then curves back down.

ST.